

AMENDED IN SENATE APRIL 12, 2016

**SENATE BILL**

**No. 867**

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**Introduced by Senator Roth**

January 11, 2016

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An act to amend Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 867, as amended, Roth. Emergency medical services.

Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, and authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services. Existing law, until January 1, 2017, authorizes county boards of supervisors to elect to levy an additional penalty, for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses. Existing law, until January 1, 2017, requires 15% of the funds collected pursuant to that provision to be used to provide funding for pediatric trauma centers.

This bill would extend the operative date of these provisions ~~indefinitely~~ until January 1, 2027.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 76000.5 of the Government Code is  
2     amended to read:

1 76000.5. (a) (1) Except as otherwise provided in this section,  
2 for purposes of supporting emergency medical services pursuant  
3 to Chapter 2.5 (commencing with Section 1797.98a) of Division  
4 2.5 of the Health and Safety Code, in addition to the penalties set  
5 forth in Section 76000, the county board of supervisors may elect  
6 to levy an additional penalty in the amount of two dollars (\$2) for  
7 every ten dollars (\$10), or part of ten dollars (\$10), upon every  
8 fine, penalty, or forfeiture imposed and collected by the courts for  
9 all criminal offenses, including violations of Division 9  
10 (commencing with Section 23000) of the Business and Professions  
11 Code relating to the control of alcoholic beverages, and all offenses  
12 involving a violation of the Vehicle Code or a local ordinance  
13 adopted pursuant to the Vehicle Code. This penalty shall be  
14 collected together with and in the same manner as the amounts  
15 established by Section 1464 of the Penal Code.

16 (2) This additional penalty does not apply to the following:

17 (A) A restitution fine.

18 (B) A penalty authorized by Section 1464 of the Penal Code or  
19 this chapter.

20 (C) A parking offense subject to Article 3 (commencing with  
21 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

22 (D) The state surcharge authorized by Section 1465.7 of the  
23 Penal Code.

24 (b) Funds shall be collected pursuant to subdivision (a) only if  
25 the county board of supervisors provides that the increased  
26 penalties do not offset or reduce the funding of other programs  
27 from other sources, but that these additional revenues result in  
28 increased funding to those programs.

29 (c) Moneys collected pursuant to subdivision (a) shall be taken  
30 from fines and forfeitures deposited with the county treasurer prior  
31 to any division pursuant to Section 1463 of the Penal Code.

32 (d) Funds collected pursuant to this section shall be deposited  
33 into the Maddy Emergency Medical Services (EMS) Fund  
34 established pursuant to Section 1797.98a of the Health and Safety  
35 Code.

36 (e) *This section shall remain in effect until January 1, 2027.*

37 SEC. 2. Section 1797.98a of the Health and Safety Code is  
38 amended to read:

39 1797.98a. (a) The fund provided for in this chapter shall be  
40 known as the Maddy Emergency Medical Services (EMS) Fund.

(b) (1) Each county may establish an emergency medical services fund, upon the adoption of a resolution by the board of supervisors. The moneys in the fund shall be available for the reimbursements required by this chapter. The fund shall be administered by each county, except that a county electing to have the state administer its medically indigent services program may also elect to have its emergency medical services fund administered by the state.

(2) Costs of administering the fund shall be reimbursed by the fund in an amount that does not exceed the actual administrative costs or 10 percent of the amount of the fund, whichever amount is lower.

(3) All interest earned on moneys in the fund shall be deposited in the fund for disbursement as specified in this section.

(4) Each administering agency may maintain a reserve of up to 15 percent of the amount in the portions of the fund reimbursable to physicians and surgeons, pursuant to subparagraph (A) of, and to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each administering agency may maintain a reserve of any amount in the portion of the fund that is distributed for other emergency medical services purposes as determined by each county, pursuant to subparagraph (C) of paragraph (5).

(5) The amount in the fund, reduced by the amount for administration and the reserve, shall be utilized to reimburse physicians and surgeons and hospitals for patients who do not make payment for emergency medical services and for other emergency medical services purposes as determined by each county according to the following schedule:

(A) Fifty-eight percent of the balance of the fund shall be distributed to physicians and surgeons for emergency services provided by all physicians and surgeons, except those physicians and surgeons employed by county hospitals, in general acute care hospitals that provide basic, comprehensive, or standby emergency services pursuant to paragraph (3) or (5) of subdivision (f) of Section 1797.98e up to the time the patient is stabilized.

(B) Twenty-five percent of the fund shall be distributed only to hospitals providing disproportionate trauma and emergency medical care services.

(C) Seventeen percent of the fund shall be distributed for other emergency medical services purposes as determined by each

1 county, including, but not limited to, the funding of regional poison  
2 control centers. Funding may be used for purchasing equipment  
3 and for capital projects only to the extent that these expenditures  
4 support the provision of emergency services and are consistent  
5 with the intent of this chapter.

6 (c) The source of the moneys in the fund shall be the penalty  
7 assessment made for this purpose, as provided in Section 76000  
8 of the Government Code.

9 (d) Any physician and surgeon may be reimbursed for up to 50  
10 percent of the amount claimed pursuant to subdivision (a) of  
11 Section 1797.98c for the initial cycle of reimbursements made by  
12 the administering agency in a given year, pursuant to Section  
13 1797.98e. All funds remaining at the end of the fiscal year in excess  
14 of any reserve held and rolled over to the next year pursuant to  
15 paragraph (4) of subdivision (b) shall be distributed proportionally,  
16 based on the dollar amount of claims submitted and paid to all  
17 physicians and surgeons who submitted qualifying claims during  
18 that year.

19 (e) Of the money deposited into the fund pursuant to Section  
20 76000.5 of the Government Code, 15 percent shall be utilized to  
21 provide funding for all pediatric trauma centers throughout the  
22 county, both publicly and privately owned and operated. The  
23 expenditure of money shall be limited to reimbursement to  
24 physicians and surgeons, and to hospitals for patients who do not  
25 make payment for emergency care services in hospitals up to the  
26 point of stabilization, or to hospitals for expanding the services  
27 provided to pediatric trauma patients at trauma centers and other  
28 hospitals providing care to pediatric trauma patients, or at pediatric  
29 trauma centers, including the purchase of equipment. Local  
30 emergency medical services (EMS) agencies may conduct a needs  
31 assessment of pediatric trauma services in the county to allocate  
32 these expenditures. Counties that do not maintain a pediatric trauma  
33 center shall utilize the money deposited into the fund pursuant to  
34 Section 76000.5 of the Government Code to improve access to,  
35 and coordination of, pediatric trauma and emergency services in  
36 the county, with preference for funding given to hospitals that  
37 specialize in services to children, and physicians and surgeons  
38 who provide emergency care for children. Funds spent for the  
39 purposes of this ~~section~~, *section* shall be known as Richie's Fund.  
40 *This subdivision shall remain in effect until January 1, 2027.*

1 (f) Costs of administering money deposited into the fund  
2 pursuant to Section 76000.5 of the Government Code shall be  
3 reimbursed from the money collected in an amount that does not  
4 exceed the actual administrative costs or 10 percent of the money  
5 collected, whichever amount is lower. *This subdivision shall remain*  
6 *in effect until January 1, 2027.*

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